

Session 14-10, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:30 p.m. on May 21, 2014 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, ERICKSON, HIGHLAND, SLONE, STEAD, STROOZAS, VENUTI

STAFF: CITY PLANNER ABBOD  
DEPUTY CITY CLERK JACOBSEN

### **Approval of Agenda**

Chair Venuti called for a motion to approve the agenda.

HIGHLAND/SLONE SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

### **Public Comment**

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

Kyra Wagner, city resident, offered clarification to the definition of farmers' market in code that item four could include photography as items for sale. She supports it remaining a permitted use and not a conditional use in the manner the Commission sees appropriate, either considering it an open air market, or incorporating farmers' markets in the open air definition. She encouraged having it in other zones as a permitted use as well.

### **Reconsideration**

None

### **Adoption of Consent Agenda**

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

- A. Approval of Minutes of May 7, 2014 meeting
- B. Decision and Findings for Conditional Use Permit CUP 2014-06, Request for a new Harbormaster building with overslope development and located within the required setback area at 4311 Freight Dock Road

Chair Venuti called for a motion to adopt the consent agenda.

HIGHLAND/SLOANE SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

## **Presentations**

### **Reports**

- A. Staff Report PL 14-43, City Planner's Report

City Planner Abboud reviewed his report. They talked briefly about the public safety building status and the mixed use zoning proposed by Councilmember Van Dyke.

### **Public Hearings**

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

- A. Staff Report PL 14-44, Conditional Use Permit 2014-07 Request for a reduction of the 20 foot building setback along Lee Drive in the Central Business District at 564 E. Pioneer Avenue

City Planner Abboud reviewed the staff report.

Kenton Bloom, surveyor, and Leslie Mastick property owner and applicant, addressed the Commission. Ms. Mastick gave a brief overview of the history of Homer's Jeans and the building. She is looking forward to the expansion and upgrade of her building. Mr. Bloom commented that he included the additional information relating to the building to show the process conforms with the goals and ideals of the Comp Plan and Community Design Manual. He also suggested an informal discussion about Lee Drive and parking near the park to plan a better fit for everything.

Chair Venuti opened the public hearing.

Ken Castner, city resident, commented in support of the reduction of the set back.

There were no further comments and the public hearing was closed.

There was brief discussion clarifying why the building isn't eligible for non-conforming and that approval of the CUP will resolve the setback issue, and that the building improvements don't require conditional use permitting.

Question was raised regarding the future of Lee Drive. City Planner Abboud commented that unless there is a big improvement in the area, the city may have a need to improve the road; otherwise it would be up to the neighbors to initiate improvements.

BOS/SLONE MOVED TO ADOPT STAFF REPORT PL 14-44 AND APPROVE CUP 14-07 REQUEST FOR REDUCTION OF THE 20 FT BUILDING SETBACK ALONG LEE DRIVE AT 564 E. PIONEER AVENUE WITH FINDINGS 1-10 AND CONDITION 1.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

### **Plat Consideration**

A. Staff Report PL 14-45, Ditton 2014 Replat Tract A Preliminary Plat

City Planner Abboud reviewed the staff report.

Kenton Bloom, surveyor, explained they are subdividing to create another lot for the family to build another home. There are no objections to the comments or recommendations.

Discussion ensued regarding development of a hammerhead type turnaround instead of a cul-de-sac because of the terrain limitations. They also discussed the area where the spring and drainages are. Mr. Bloom explained that the plat notes the water courses, but they are not designated wetlands based on the criteria of ACOE. He also clarified they are willing to provide drainage easements if they are needed.

SLONE/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 14-45 AND APPROVE DITTON 2014 REPLAT TRACT A PRELIMINARY PLAT WITH STAFF COMMENTS AND RECOMMENDATIONS.

ERICKSON/SLONE MOVED TO AMEND CONDITION 4 THAT INSTEAD OF PROVIDING A DEDICATION OF A CUL-DE-SAC THAT THEY PUT IN A HAMMERHEAD DRIVEWAY.

City Planner Abboud didn't have additional feedback relating to the motion as this is something that Public Works would need to speak to. He wasn't sure if it dedication of a hammerhead would be required.

There was discussion regarding whether it is appropriate to designate or dedicate a hammerhead, and if they even need to dedicate any turnaround space. The biggest issue is access is for emergency vehicles. They spoke briefly about what the Borough would require and it was suggested that hammerheads are accepted by the Borough.

VOTE: (Amendment) NO: HIGHLAND, ERICKSON, STEAD, VENUTI, STROOZAS, SLONE, BOS

Motion failed.

ERICKSON/ BOS MOVED TO REMOVE CONDITION NUMBER 4, PROVIDE DEDICATION FOR A ¼ CUL-DE-SAC AT AT THE END OF SEASCAPE DRIVE.

There was no discussion.

VOTE: (Amendment)NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no further discussion on the main motion as amended.

VOTE (Main motion as amended): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

### **Pending Business**

A. Staff Report PL 14-46, Draft Ordinance on Heliports

The Commission reviewed and agreed that the graphs for heliports and helipads are as they had agreed on previously. The agreed by consensus that it could go forward for public hearing.

### **New Business**

A. Staff Report PL 14-47, Draft Ordinance on Towers

City Planner Abboud reviewed the staff report. He touched on options which include doing nothing, drafting something with the attorney, forming a task force, or working with a consultant.

The Commission talked briefly about the challenges of changing technology and the necessity of having towers where they are needed. There are many different designs for towers, as well as ways to work with topography and deal with line of sight across water. It was suggested that hearing from ACS and/or GCI about what their needs are could be helpful. There are federal regulations that need to be considered as well.

The consensus of the group was that they would like staff to research the regulations of other Alaskan communities and how they determined their regulations.

B. Staff Report PL 14-48, Ordinance 14-20 Farmer's Market/Open Air Business for CBD, GC1, and GC2 Districts

Chair Venuti noted for the record that the Commission heard from Farmers' Market representative and talked about this at the worksession. City Planner Abboud asked that they make a motion and recommendation on open air and what they may or may not modify. His goal is to have something

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laid out so the Commission can hold a public hearing. He encouraged the group to make recommendations relating to what they feel is most appropriate as Planning Commissioners.

ERICKSON/BOS MOVED TO ALLOW OPEN AIR BUSINESS IN THE CBD, GC1, AND GC2.

Question was raised if they want to keep flea markets in the definition of open air business, but no action was taken relating to that.

It was suggested the intent of making a requirement for a CUP in the designated districts is to protect the activity at the current location, and avoid a secondary effort in the CBD.

Another point of view is that putting barriers on business from doing what they want to try to do. It was noted that in the code, farmers' market can be in any area and the ordinance as proposed is unnecessary, redundant, and in conflict with itself. It should be rejected and not re-written. Disagreement was also expressed about trying to protect the current Farmers' Market.

Point was also raised that this is seasonal in the summer when people are out and looking for things to do. The more that's out there is better for the community and the tourists.

City Planner Abboud suggested they may want to consider not having open air business in the CBD where there could be flea markets along Pioneer Avenue in parking lots of businesses or empty lots. It could be better in the more industrial areas like it is now. He added that there aren't time restrictions in the code.

Commissioners continued to debate the motion and it was suggested they should hear from Councilmember Roberts before making a decision.

SLONE/BOS MOVED TO POSTPONE TO THE NEXT MEETING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

The Commission agreed to discuss further.

ERICKSON/SLONE MOVED TO RECONSIDER.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Discussion continued on the motion to allow open air business in CBD, GC1, and GC2.

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They continued to discuss differing views of leaving it as an allowable use, and changing it to allowable as a CUP. They briefly touched on whether to expand it further into marine industrial. They acknowledged that this will come back for a public hearing and they can make continue to make amendments after they get feedback from the public.

VOTE: YES: SLONE, STEAD, STROOZAS, VENUTI, BOS, ERICKSON  
NO: HIGHLAND

Motion carried.

ERICKSON/ BOS MOVED TO REMOVE REFERENCES TO FARMERS' MARKET AND INCLUDE IT UNDER OPEN AIR BUSINESS.

There was no discussion.

VOTE: YES: VENUTI, SLONE, BOS, ERICKSON, STEAD, HIGHLAND, STROOZAS

Motion carried.

### **Informational Materials**

- A. City Manager's Report from the May 12, 2014 City Council Meeting
- B. KPB Plat Committee Notice of Decisions
  - Homer East Road Kachemak Drive to Waterman Road ROW Map Time Extension Request
  - Foothills Subdivision Sunset View Estates No. 2 Time Extension Request

There was brief discussion of the informational items.

### **Comments of the Audience**

Members of the audience may address the Commission on any subject. (3 minute time limit)

None

### **Comments of Staff**

City Planner Abboud commented that the tower CUP was remanded back to the Commission and he will let them know if the applicant wants to keep moving forward or try something else.

### **Comments of the Commission**

Commissioner Slone said he will be absent at the next meeting and that he wished the Business After Dark chamber mixer had been better attended.

Commissioner Stroozas commented about another event Get to Know Homer at Islands and Ocean Visitor Center, and the attendance was terrible, so it isn't just them.

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Commissioner Highland said she would like the consideration of the group when she has comments. She would appreciate patience.

Chair Venuti noted that mixers are better attended in the winter when there isn't as much going on. He expressed his interest in getting the Bridge Creek Watershed District back to the table to address increasing the usable space on the lots in that area.

**Adjourn**

There being no further business to come before the Commission, the meeting adjourned at 8:50 p.m. The next regular meeting is scheduled for June 4, 2014 at 6:30 p.m. in the City Hall Cowles Council Chambers.

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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: \_\_\_\_\_